

# GORSUCH MANAGEMENT

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March 15, 1996

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

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VIA FED EX FCC MAIL ROOM

**RE: Telecommunications Services - Inside Wiring, Customer Premises Equipment,  
CS Docket #95-184**

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Dear Mr. Caton:

This letter is written in response to the FCC's Notice of Proposed Rule Making released on January 26, 1996, with regard to telephone and cable wiring inside buildings. I am enclosing four copies of this letter, in addition to this original.

I am very concerned that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and unnecessarily adversely affect the conduct of our business and needlessly raise additional legal issues. The Commission's public notice also raises a number of other issues that concern us. We urge the FCC to consider carefully any action it may take.

Our company, Fairfield Homes, Inc., is in the residential real estate business. Through its operating division, Gorsuch Management, which is in the business of managing real property, we own and manage in excess of 4000 multifamily apartment units covering approximately 100 sites in Ohio, Kentucky, Indiana and West Virginia. Approximately 95% of our apartments serve low and moderate income residents through various government subsidy programs, including various programs administered by the U.S. Department of Housing and Urban Development, along with the Rural Economic and Community Development agency (formally the Farmers Home Administration). With the many thousands of residents that we serve, some of the issues, particularly as they relate to cost to our residents, are of paramount concern to us. I am Vice President and Treasurer in charge of the day to day operations of Gorsuch Management as it relates to its property management activities. In addition, I also serve as the Columbus Apartment Association's 1996 President representing many of our members who are owners and managers of residential real estate in Central Ohio.

The issues that I am concerned about, which are raised by the FCC's Notice include the following:

## 1. ACCESS TO PRIVATE PROPERTY

As a real estate manager representing numerous owners as well as our own properties, we are committed to making certain that efficient telephone and cable service is provided to our residents at a reasonable cost. Government intervention is neither necessary nor desirable to insure the availability of services. I believe that such intervention could have the unintended effect of interfering with our ability

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to effectively manage our properties; control the limited space available in most of our properties; and insure the safety and security of our residents.

I might emphasize particularly the last concern about security of our buildings and our residents. There has been a great deal of activity with respect to owners of apartment communities being held liable for criminal activities by third parties that impact adversely our residents. At present, telecommunications service providers have no such obligation. Consequently, any maintenance and installation activities must be conducted within the rules established by our properties' manager and our management must have the ability to supervise those activities. Given the public's justified concerns regarding personal safety as well as our concerns with respect to the safety of our residents, we simply cannot allow service personnel to go anywhere they please in our buildings without our knowledge and consent.

In short, we are fully capable of meeting our obligations to our residents. We are well aware of the services that our residents need and we more than able to provide those services, as needed. It is unnecessary for the government to interject itself in this field. Any action by the government is likely to prove counterproductive.

## 2. DEMARCATIION POINT

The demarcation point should be outside of the building and in every case, outside the premises of each resident.

## 3. CONNECTIONS

I believe it unnecessary for the government to take action with respect to technical standards for connections. The telecommunications industry has already established standards that are widely followed. I believe it is in the best interest of those companies and their customers that they continue to be followed.

## 4. CUSTOMER ACCESS TO WIRING

The owner must retain the right to obtain access to the wiring and control the type and placement of such wiring. I also believe that the owner of the premises should have a superseding right to acquire or install any wiring. Above all, a resident's right to acquire or install wiring should be governed by State property law and the terms of the resident's lease with the owner. It is unfair that the owner not be able to retain the right to control activities on their premises, if need be.

## 5. REGULATION OF WIRING

I have no particular comments with respect to the merits of any particular process for regulating inside wiring, because our Company is not involved in the service providing end of the telecommunications business, but only as end-users. However, I believe it important for the FCC to note that there are substantial differences between residential and commercial buildings and I would caution the FCC that it does not probably make sense to adopt uniform rules for all kinds of properties.

I also have a great concern that the government might see fit to impose a large new expense on telecommunications service providers and building owners by requiring retrofitting of existing buildings. Any such matter should be left to the on-going discussions regarding amendments to the Model Building Code. Obviously, except where safety is involved, it is very rare that amendments to the building and electrical codes are made retroactive.

Also, it should be borne in mind that mixed-use buildings are also becoming increasingly common and should also be considered in any regulatory process.

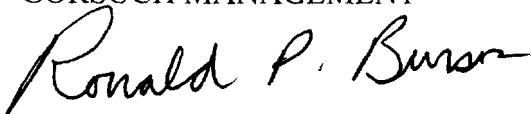
I appreciate your consideration of my comments, as a very concerned property manager of residential apartments, as well as representing several owners for whom we are currently fee-managing their properties in Ohio. In representing the Columbus Apartment Association as its 1996 President, I am also concerned on behalf of the owners and managers of tens of thousands of Central Ohio apartment units and communities.

Should you wish to discuss any of my commentary with me, my Ohio phone number is 614/653-3583 or you can correspond with me at the address listed on my letterhead.

Thank you for your consideration.

Sincerely,

GORSUCH MANAGEMENT

A handwritten signature in black ink that reads "Ronald P. Burson". The signature is fluid and cursive, with the first name "Ronald" being the most prominent part.

Ronald P. Burson, C.P.A., CPM®  
Vice President and Treasurer

RPB/ps  
Enclosures